

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claim 1 is amended to correct an obvious typographical error. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration because the amendment only corrects an obviousness typographical error; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-12 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. The Office Action states that the term "prevent" lacks antecedent basis. By this amendment, the term "prevent" has been amended to be "preventer." Applicants respectfully request that the rejection be withdrawn.

The Office Action rejects claims 1-20 under 35 U.S.C. §103(a) over Sugiyama et al. (U.S. Patent No. 7,175,613) in view of Yasushi et al. (JP-A-10-295723). Applicants respectfully traverse the rejection.

Claim 1 recites "a rear part of the absorber beneath the second leak preventer is for absorbing only the body fluid received on a front part of the absorber not beneath the second leak preventer, and the rear part of the absorber beneath the second leak preventer is not for receiving the feces." The Office Action fails to address these features and, in fact, these features are not disclosed in either Sugiyama or Yasushi. The Office Action alleges that the only features not disclosed in Sugiyama is "the provision that the second leak preventer does not include any perforation." Thus, it appears that the Office Action alleges that the above-

quoted features of claim 1 are disclosed in Sugiyama; however, one of ordinary skill in the art would not have interpreted Sugiyama as having disclosed the above-quoted features of claim 1 for at least the following reasons.

The Office Action relies upon the embodiment of Sugiyama disclosed in Sugiyama's Fig. 7. As can be seen in this figure, fixed absorber 14 extends from the front region 10F to the rear region 10R. Additionally, Sugiyama's front region 10F is covered by the cover sheet 15, which in turn is covered by the front absorber 21. As such, the alleged absorber (fixed absorber 14) is not capable of receiving body fluid on a front part of the absorber not beneath the alleged second leak preventer. That is, all of Sugiyama's fixed absorber 14 that is not below the alleged second leak preventer is prevented from receiving body fluid by both Sugiyama's cover sheet 15 and front absorber 21. As such, Sugiyama fails to disclose the above-quoted features of claim 1. Additionally, Yasushi fails to overcome the deficiencies of Sugiyama because Yasushi is only relied upon to allegedly disclose a liquid impermeable second leak preventer.

Claim 1 also recites "the second leak preventer ... does not include any perforation so as to prevent the feces from permeating or passing through the second leak preventer." The Office Action admits that Sugiyama fails to disclose these features but alleges that Yasushi overcomes the deficiencies of Sugiyama and that the combination would have been obvious. The combination would not have been obvious for at least the following reasons.

Combining Sugiyama and Yasushi as alleged in the Office Action would change the principle of operation of Sugiyama. MPEP §2143.01(VI) states "if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." An important aspect of Sugiyama, especially the embodiment relied upon in the Office Action (i.e., Fig. 7), is feces separator opening 17. If Sugiyama's

feces separator opening 17 were eliminated and replaced by Yasushi's stools processing sheet 5, Sugiyama would no longer have an absorber for feces because the fixed absorber 14 would no longer be accessible by feces excreted from a user.

Additionally, Sugiyama states "the purpose of the present invention is to provide an absorptive product where the urine and stools can be handled separately, skin problems like diaper rash which are caused by the feces are minimized, and where the feces alone can easily be disposed without getting the hands dirty." Sugiyama at col. 3, lines 16-20. If feces separator opening 17 were removed as alleged in the Office Action, the skin problems resulting from feces contacting the user would no longer be addressed, urine and stools would no longer be directed to different portions of Sugiyama's absorptive product and therefore would not be handled separately. Also, it would be more difficult for feces to be disposed without getting someone's hands dirty. As such, the claimed modification of Sugiyama improperly changes the principle of operation of Sugiyama and therefore the combination would not have been obvious.

Claim 1 recites "a hollow space is provided between the second leak preventer and the absorber at least in a front end of the second leak preventer, the front end being disposed on the front side of the absorbent article, the hollow space opening out toward the front side of the absorbent article and being configured as a flow passage to flow the body fluid received on a front side of the absorber toward a rear side of the absorber." In response to Applicants' previous arguments regarding these features, the Office Action, on page 6, states "the hollow space is disclosed throughout the reference being shown in figures 1a - 1f, 2a - 2d and 8." Figs. 1b-1f and 2a-2d show different embodiments than the embodiment relied upon in Fig. 7. The Office Action has failed to provide any reasoning why one of ordinary skill in the art would have combined these embodiments to arrive at the claimed features. With respect to Fig. 1a, this figure omits features that are disclosed in Fig. 7. As explained in Sugiyama, Fig.

1 is a simplified representation. See Sugiyama at col. 4, lines 22-26. As would be understood by one of ordinary skill in the art, Fig. 1a omits the cover sheet 15 as shown in Fig. 7 in order to simplify the figure. Thus, as discussed above, the alleged absorbent article cannot receive body fluid on a front side of the absorber as claimed. Thus, the Office Action fails to disclose the claimed hollow space as recited above.

The Office Action states that claims 13, 16 and 19 are rejected for the same reasons as claim 1.

Regarding claim 13, the combination of Sugiyama and Yasushi would not have been obvious for the reasons discussed above with respect to claim 1.

Regarding claim 17, the combination of Sugiyama and Yasushi would not have been obvious for the reasons discussed above with respect to claim 1 and the applied references fail to disclose, and would not have rendered obvious, that "a hollow space is provided between the second leak preventer and the absorber at least in a front end of the second leak preventer, the front end being disposed on the front side of the absorbent article, the hollow space opening out toward the front side of the absorbent article and being configured as a flow passage to flow the body fluid received on a front side of the absorber toward a rear side of the absorber" as recited in claim 16.

Regarding claim 19, the combination of Sugiyama and Yasushi would not have been obvious for the reasons discussed above with respect to claim 1. Additionally, Sugiyama and Yasushi fail to disclose, and would not have rendered obvious, that "a hollow space is provided between the second leak preventer and the absorber in a front end of the second leak preventer, the front end being disposed on the front side of the absorbent article, the hollow space opening out toward the front side of the absorbent article, being isolated from a space above the second leak preventer by the second leak preventer, and being configured as a flow

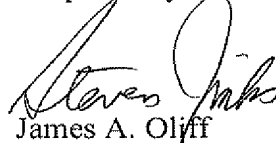
passage to flow the body fluid received on a front side of the absorber toward a rear side of the absorber" as recited in claim 19. Thus, claims 13, 16 and 19 are also patentable.

Claims 2-12, 14, 15, 17, 18 and 20 are patentable by reason of their dependency from one of independent claims 1, 13, 16 and 19, as well as for the additional features they recite. Applicants respectfully request that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Steven D. Jinks
Registration No. 62,760

JAO:SDJ/cfr

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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